

From: [Harrington, Charlene](#)
To: [Sanders, Stacy \(HHS/IOS\)](#)
Cc: [Anne Heath Montgomery](#)
Subject: CMS Staffing and other issues
Date: Wednesday, July 19, 2023 11:55:00 AM
Attachments: [CMS RFI Requirements for LTC Facilities to Establish Mandatory Minimum Staffing Levels 2022 June 7 Final final submission -staffing standards.docx](#)

Stacy, thank you so much for meeting with our coalition today. I wanted to add that Medicare rates have been increased twice since President Biden's nursing home initiative was announced in 2022 and Medicaid rates in almost all states have increased steadily. It is disturbing to see that nursing home staffing levels are now lower in 2023 than they were before the pandemic in 2019.

When Sec Becerra was the CA Attorney General, he was involved in some fraud cases against some chains with the worst staffing. Fortunately, these actions by the AG are still continuing. I was speaking yesterday with Joel Samuels in the Medicaid Fraud Div of the CA AGs office about a case of extremely low staffing in one large CA chain that may soon be going to trial.

We are concerned that if CMS sets the standard too low, it will have a very negative effect on state and federal efforts to prosecute some of the worse NHs. A federal minimum staffing standard that is evidenced-based and set at a least at the level of 4.1 hprd is critical to ensure NH quality for residents.

I am sending the comments on NH staffing standards that a list of national academic experts on nursing homes submitted to CMS in 2020 in response to the CMS request for comments on the staffing study.

Thank you for your careful consideration of this issue. Charlene

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